

December 9, 2019

By ECF

Hon. Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**MOTION TO PROCEED
IN FORMA PAUPERIS**

**Re: *United States v. Shab haz Khan*
16 Cr. 840 (LGS)**

Dear Judge Schofield:

We represented Shab haz Khan in the above-captioned case, who was sentenced to 180 months imprisonment by Your Honor on November 5th of this year. After the judgment issued, we filed a Notice of Appeal on Mr. Khan's behalf on November 18th. We write today to request permission for Mr. Khan to proceed *in forma pauperis* on his appeal.

In Mr. Khan's case in the Court of Appeals, numbered 19-3834 we filed an unopposed motion to be relieved as Mr. Khan's counsel and for the appointment of CJA counsel. In support of that motion, Mr. Khan completed a CJA Affidavit, a copy of which is attached to this letter as Exhibit A. In it, Mr. Khan states that he has no assets or income other than the money in his commissary account. Because of this, we respectfully request that the Court allow Mr. Khan to proceed *in forma pauperis* on appeal.

Thank you for the Court's consideration of this request.

Respectfully submitted,

/s/

Aaron Mysliwiec
Joshua Paulson
Attorneys for Shab haz Khan

Application Granted. The Clerk of the Court is directed to terminate the letter motion at docket number 89.

Dated: January 6, 2020
New York, New York

cc: AUSA Rebekah Allen Donaleski (by ECF)
AUSA Jason A. Richman (by ECF)

SO ORDERED


HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Exhibit A

CIA 23 (Rev. 11/11)		FINANCIAL AFFIDAVIT	
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE			
IN THE UNITED STATES <input type="checkbox"/> DISTRICT COURT <input checked="" type="checkbox"/> COURT OF APPEALS <input type="checkbox"/> OTHER (Specify below)		LOCATION NUMBER	
IN THE CASE OF United States v. Shahbaz Khan		FOR the Second Circuit AT	
PERSON REPRESENTED (Show your full name) Shahbaz Khan		DOCKET NUMBERS Magistrate Judge District Court 16 Cr. 840 (LGS) Court of Appeals 19-3834	
CHARGE/OFFENSE (describe if applicable & check box →) <u>21 U.S.C. §§ 952, 959</u>		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	
1 <input type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input checked="" type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 6 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify)			

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY			
EMPLOY- MENT INCOME & ASSETS	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed		
	Name and address of employer:		
	IF YES, how much do you earn per month? \$	IF NO, give month and year of last employment? <u>January 2006</u> How much did you earn per month? \$ <u>I don't know</u>	
	If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	IF YES, how much does your spouse earn per month? \$	If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$	
OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	IF YES, give the amount received and identify the sources	RECEIVED	SOURCES
	\$ _____ \$ _____ \$ _____		_____ _____ _____
CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ <u>14,000 (domestic)</u>		
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
IF YES, give value and description for each	VALUE	DESCRIPTION	
\$ _____ \$ _____ \$ _____		_____ _____ _____	

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	Total No. of Dependents <u>0</u>	List persons you actually support and your relationship to them _____ _____ _____																
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">DESCRIPTION</th> <th style="width: 20%;">TOTAL DEBT</th> <th style="width: 20%;">MONTHLY PAYMENT</th> </tr> <tr> <td style="text-align: center;">None (incarcerated)</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> </table>				DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	None (incarcerated)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
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\$	\$	\$																		
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\$	\$	\$																		
SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED)																				

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Date

11/26/17